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ADMITTED TO PRACTICE IN:
ARIZONA, COLORADO, MONTANA,
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DISTRICT OF COLUMBIA

April 16, 2009

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Docket Control
Arizona Corporation Commission
1200 West Washington
Phoenix, Arizona 85007

APR 16 2009
ARIZONA CORP. COMM
400 W CONGRESS STE 218 TUCSON AZ 85701

Re: Solar Alliance
Docket No. E-20633A-08-0513

To Whom It May Concern:

Enclosed for filing in the above-referenced docketed proceeding are the original and thirteen (13) copies of a Response to Staff Report on behalf of Semptra Energy Solutions LLC.

Please let me know if you have any questions. Thank you for your assistance.

Sincerely,

Angela R. Trujillo
Secretary
Lawrence V. Robertson, Jr.

Arizona Corporation Commission
DOCKETED

APR 20 2009

DOCKETED BY	
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BEFORE THE ARIZONA CORPORATION COMMISSION

COMMISSIONERS

KRISTIN K. MAYES, Chairman
GARY PIERCE
PAUL NEWMAN
SANDRA D. KENNEDY
BOB STUMP

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ARIZONA CORP COMMISSION
DOCKET CONTROL

ARIZONA CORP. COMM
400 W CONGRESS STE 218 TUCSON AZ 85701

IN THE MATTER OF THE APPLICATION)
OF THE SOLAR ALLIANCE FOR A) DOCKET NO. E-20633A-08-0513
DECLARATORY ORDER THAT)
PROVIDERS OF CERTAIN SOLAR) SEMPRA ENERGY SOLUTIONS
SERVICE AGREEMENTS WOULD NOT BE) LLC'S RESPONSE TO STAFF
PUBLIC SERVICE CORPORATIONS) REPORT

Pursuant to the Commission's March 6, 2009 Procedural Order in the above-captioned and above-docketed proceeding, Sempra Energy Solutions LLC ("SES") hereby submits its Response to the Staff Report filed by the Commission's Staff on March 11, 2009.

I.

STATEMENT OF POSITION

The Staff Report states that

"The SSAs contemplated in the Solar Alliance Application would facilitate the increased use of photovoltaic generation, which in turn would provide an additional means for electric utilities to meet the Distributed Renewable Requirements . . . Staff fully supports efforts to make solar facilities more generally available to the public."

SES is fully supportive of the aforesaid intended result as well. However, SES believes that certain important procedural and policy questions are raised by the Solar Alliance Application. Those questions are discussed in greater detail in Section II below.

II.

PROCEDURAL AND POLICY QUESTIONS

As the Staff Report notes,

1 “the [Solar Alliance] Application appears to be more like a legal
2 brief [rather] than factual testimony.” [Staff Report at page 2]
3 [emphasis added]

4 * * *

5 “Staff believes that the ultimate issue at question in the application
6 calls for a legal conclusion, and we anticipate that the legal
7 arguments will be analyzed and addressed by the parties in the
8 briefing process. The purpose of this report is to lay a factual
9 background for that legal analysis.” [Staff Report at page 2]
10 [emphasis added]

11 Thereafter, the Staff Report proceeds to discuss the factual background to the Solar Alliance
12 Application relying upon “responses to data requests” provided to the Commission Staff by the
13 Solar Alliance, rather than sworn testimony. [Staff Report at page 2]

14 Against the foregoing background, SES believes an initial policy and procedural question
15 for the Commission to resolve is whether or not it desires to render a public policy determination
16 of the type contemplated by the Solar Alliance Application without an underlying evidentiary
17 record establishing the facts upon which the Commission’s decision would be predicated. In that
18 regard, the Staff Report states that the “Staff believes a hearing in this matter would be helpful,”
19 in order that various questions posed and issues raised in the Staff Report might be more fully
20 addressed. SES agrees with that conclusion.

21 A second policy question which would appear to be raised by the Solar Alliance
22 Application is whether the Commission should re-examine its previous determination that
23 competitive Electric Service Providers, Meter Service Providers and Meter Reader Service
24 Providers should continue to be regarded as public service corporations under Arizona law
25 within the context of electric retail competition. In that regard, the Staff Report explicitly notes
26 that there would not appear to be a meaningful distinction between an SSA provider and a
27 provider of competitive meter service or competitive meter reading services. [Staff Report at
28 pages 10-11] This circumstance is perhaps an illustration of how an evidentiary hearing might
be of assistance incident to the Commission’s consideration of and ultimate decision upon the
Solar Alliance Application.

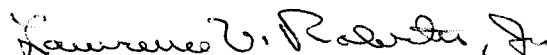
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III.

CONCLUSION

SES believes that any determination as to whether or not an evidentiary hearing should be held in the above-captioned and above-docketed proceeding should be accompanied by thoughtful consideration of the procedural and policy questions discussed above. As noted above, SES agrees with the Staff Report conclusion that such a hearing would be "helpful."

Dated this 16th day of April 2009.



Lawrence V. Robertson, Jr.
Attorney for Sempra Energy Solutions LLC

The original and thirteen (13) copies of the foregoing Response to Staff Report this 16th day of April 2009 to:

Docket Control
Arizona Corporation Commission
1200 West Washington Street
Phoenix, Arizona 85007

A copy of the foregoing has been emailed or mailed this same date to:

To All Parties of Record.

